

BEFORE THE
POSTAL REGULATORY COMMISSION
WASHINGTON, D.C. 20268-0001

RETAIL ACCESS OPTIMIZATION INITIATIVE

Docket No. N2011-1

**RESPONSE OF THE UNITED STATES POSTAL SERVICE IN OPPOSITION
TO DAVID B. POPKIN MOTION**
(August 4, 2011)

On July 28, 2011, David B. Popkin filed a motion (the “Motion”) commenting on the Notice of United States Postal Service of Filing of Initial Library References and Application for Non-Public Treatment of Materials (the “Postal Service Notice”), and requesting that the Postal Service “be required to provide the revenue bracket that each of the facilities [reflected in USPS-LR-N2011-1/NP2] lie in.” This pleading serves as the Postal Service’s response to the Motion. Because the revenue information requested in the Motion is non-public, confidential, and subject to protection under 39 C.F.R. § 3007.21 and 5 U.S.C. § 552(b)(3), and because the Motion utterly fails to address the reasons supporting non-public treatment that are set forth in the Postal Service Notice, the Commission should deny the Motion.

Public disclosure of a revenue range for the facilities referenced in USPS-LR-N2011-1/NP2 would add nothing to the consideration of the issues raised in this docket, and would likely cause commercial harm to the Postal Service as the Notice describes. An order directing the Postal Service to separate facilities into arbitrarily defined revenue brackets would require an unnecessary use of scarce Postal Service resources, and would provide no benefit related to the

assessment of the Postal Service's request for an advisory opinion. In fact, the Motion provides no explanation for how the revenue brackets would actually help in "evaluat[ing] the accuracy of the listing of facilities subject to evaluation." As explained in the Postal Service Notice, it is likely that disclosure of facility-specific and disaggregated walk-in-revenue, in the form of discrete amounts or ranges, would harm the Postal Service. The Motion contains no argument that the disclosure of arbitrarily defined revenue ranges would mitigate in any way the very real harm described in the Notice; indeed, it does not even address the harm in any way. Accordingly, the Commission should deny the Motion.

With respect to the Motion's commentary on other aspects of the Postal Service Notice, both USPS-LR-N2011-1/NP1 and USPS-LR-N2011-1/NP2 qualify for non-public treatment because they "include sensitive commercial information, [including] facility-specific walk-in revenue related to operations at thousands of postal retail installations throughout the United States, as well as disaggregated walk-in revenue for selected locations." Postal Service Notice at 2. Despite explicit reference to USPS-LR-N2011-1/NP1 on page 2 of the Postal Service Notice, and explicit reference to walk-in revenue (WIR) on Table 5¹ of Postal Service Witness Boldt's Testimony, the Motion states that "[t]he five pages of the [Postal Service] Notice ... appear to make no reference to Library Reference USPS-LR-N2011-1/NP1." Motion at 1. As described above, the Motion's contention² that the Postal Service Notice fails to address USPS-LR-

¹ USPS-LR-N2011-1/NP1 contains the source data for Table 5.

² The Motion does not ask for any relief regarding the alleged failure to address USPS-LR-N2011-1/NP1.

N2011-1/NP1 reflects a misunderstanding of, or failure actually to read, the Postal Service Notice, and accordingly has no merit.

The proprietary data have been supplied to the Commission to aid its consideration of the Request. While the ability of interested participants to comment meaningfully can add value to any request for an advisory opinion, the Commission has established procedures that recognize proprietary information does not always lend itself to public discourse. The Commission's rules also provide a mechanism, use of a nondisclosure agreement, whereby interested participants can gain access to nonpublic information. Mr. Popkin also fails to address why that option is somehow insufficient for his claimed purposes.

For the reasons set forth above, the Commission should deny the Motion.

Respectfully submitted,

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